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HOUSE BILL 465

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Rick Miera

FOR THE PUBLIC SCHOOL CAPITAL OUTLAY OVERSIGHT TASK FORCE

AN ACT

RELATING TO PUBLIC SCHOOL FACILITIES; AMENDING THE PUBLIC SCHOOL CAPITAL IMPROVEMENTS ACT TO EXPAND THE DEFINITION OF "CAPITAL IMPROVEMENTS" AND TO ALLOW THE LOCAL DISTRIBUTION TO BE USED TEMPORARILY FOR CERTAIN SCHOOL DISTRICT OPERATING COSTS; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 22-25-2 NMSA 1978 (being Laws 1975 (S.S.), Chapter 5, Section 2, as amended) is amended to read:

"22-25-2. DEFINITIONS.--As used in the Public School Capital Improvements Act:

A. "program unit" means the product of the program element multiplied by the applicable cost differential factor, as defined in Section 22-8-2 NMSA 1978; and

B. "capital improvements" means expenditures,

underscored material = new
[bracketed material] = delete

1 including payments made with respect to lease-purchase
2 arrangements as defined in the Education Technology Equipment
3 Act or the Public School Lease Purchase Act but excluding any
4 other debt service expenses, for:

5 (1) erecting, remodeling, making additions to,
6 providing equipment for or furnishing public school buildings;

7 (2) [~~payments made pursuant to a financing~~
8 ~~agreement entered into by a school district or a charter school~~
9 ~~for the leasing of a building or other real property with an~~
10 ~~option to purchase for a price that is reduced according to~~
11 ~~payments made;~~

12 (3)] purchasing or improving public school
13 grounds;

14 [(4)] (3) maintenance of public school
15 buildings or public school grounds, including the purchasing or
16 repairing of maintenance equipment, participating in the
17 facility management system as required by the Public School
18 Capital Outlay Act and including payments under contracts with
19 regional education cooperatives for maintenance support
20 services and expenditures for technical training and
21 certification for maintenance and facilities management
22 personnel, but excluding salary expenses of school district
23 employees;

24 [(5)] (4) purchasing activity vehicles for
25 transporting students to extracurricular school activities; or

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underscored material = new
[bracketed material] = delete

1 [~~6~~] (5) purchasing computer software and
2 hardware for student use in public school classrooms."

3 Section 2. Section 22-25-7 NMSA 1978 (being Laws 1975
4 (S.S.), Chapter 5, Section 7, as amended) is amended to read:

5 "22-25-7. IMPOSITION OF TAX--LIMITATION ON
6 EXPENDITURES.--

7 A. If as a result of an election held in accordance
8 with the Public School Capital Improvements Act a majority of
9 the qualified electors voting on the question [~~vote~~] votes in
10 favor of the imposition of the tax, the tax rate shall be
11 certified, unless the local school board requests by resolution
12 that a rate be discontinued, by the department of finance and
13 administration at the rate specified in the resolution
14 authorized under Section 22-25-3 NMSA 1978 or at any lower rate
15 required by operation of the rate limitation provisions of
16 Section 7-37-7.1 NMSA 1978 upon the rate specified in the
17 resolution and be imposed at the rate certified in accordance
18 with the provisions of the Property Tax Code.

19 B. The revenue produced by the tax and, except as
20 provided in Subsection F of Section 22-25-9 NMSA 1978, any
21 state distribution resulting to the district under the Public
22 School Capital Improvements Act shall be expended only for the
23 capital improvements specified in the authorizing resolution.

24 C. Notwithstanding the provisions of Subsection B
25 of this section, the distribution from local property tax

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1 receipts in fiscal years 2009 and 2010 may be expended for
2 school district or charter school operating costs related to:
3 (1) purchasing property insurance; and
4 (2) facility maintenance, including salary
5 expenses of school district maintenance personnel."

6 Section 3. EMERGENCY.--It is necessary for the public
7 peace, health and safety that this act take effect immediately.

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